

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

LINDA WILLIAMS SHELTON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: CV-06-719-WKW
)	
ALLSTATE FREIGHTWAYS, INC.,)	
)	
Defendant.)	

MOTION FOR QUALIFIED PROTECTIVE ORDER

Comes now the defendant Allstate Freightways, Inc. and moves this Honorable Court to enter the Qualified Protective Order, attached hereto as Exhibit "A," granting to all counsel for the parties in the above styled cause the right to obtain from all health care providers and health plans all information relating to the past, present, or future medical condition of the plaintiff in this case as well as information relating to the provision of health care to such individual and payment for the provisions of health care.

As grounds for said motion, this defendant shows unto this Honorable Court as follows:

1. The plaintiff has filed the above referenced action and the allegations of the complaint make it necessary to obtain the "Protected Health Information" from all health care providers and health plans of the plaintiff.

2. The parties to this action will be issuing subpoenas to obtain such medical and health care information.

3. This protective order is needed to help the parties and the third party recipients of the subpoenas comply with the requirements of the Federal HIPAA Privacy Rules, 45 C.F.R. §164.512(3), as a “QUALIFIED PROTECTIVE ORDER” under that regulation.

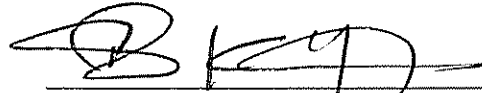
4. This protective order will expressly authorize the disclosure of “Protected Health Information” as defined in the Privacy Rules by the third party recipients of subpoenas.

5. This protective order will direct the parties and counsel for the parties to use and disclose protected information in this proceeding only and to return or destroy said information (including all copies made) upon the conclusion of the above referenced proceeding.

6. Counsel for all parties have stipulated to the entry of the Qualified Protective Order as is indicated by their signatures under the “Stipulation of Entry” portion of the requested Qualified Protective Order.

WHEREFORE, PREMISES CONSIDERED, this defendant respectfully moves this Honorable Court to enter the Qualified Protective Order attached hereto as Exhibit “A.”

Respectfully submitted,



Steven K. Herndon (HER028)
Attorney for Defendant

OF COUNSEL:

Gidiere, Hinton, Herndon & Christman
P.O. Box 4190
Montgomery, AL 36103
Telephone: (334) 834-9950
Facsimile: (334) 834-1054
steve@ghhclaw.com

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 8th day of November, 2006, electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of each filing to the following:

Mr. Michael S. Harper
P.O. Box 780608
213 Barnett Blvd.
Tallahassee, AL 36078
Telephone: (334) 283-6855
Facsimile: (334) 283-6858
mikeharper@elmore.rr.com


Counsel

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

LINDA WILLIAMS SHELTON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: CV-06-719-WKW
)	
ALLSTATE FREIGHTWAYS, INC.,)	
)	
Defendant.)	

QUALIFIED PROTECTIVE ORDER

In accordance with the stipulation of counsel for all parties, as evinced by their signatures below, the parties are hereby granted the right, upon compliance with the applicable discovery provision of the Federal Rules of Civil Procedure, to obtain from any health care providers, health plans, or other entities covered by the Health Insurance Portability and Accountability Act of 1995, Pub. L. No. 104-191, 110 Stat. 1936 (1996) ("HIPAA"), any and all information relating to the past, present, or future medical condition of any individual who is a party to this action, as well as any and all information relating to the provision of health care to such individual and payment for the provision of such health care. This Protective Order is intended to assist the parties to this action, and third-parties who received subpoenas from the parties, to comply with the privacy requirements imposed upon health information by HIPAA and regulations promulgated thereto. The parties are expressly prohibited from using or disclosing the protected health information obtained pursuant to this order for any purpose other than

this action. Further, the parties are ordered to either return to the covered entity from whom or which such protected health information was obtained, or to destroy the protected health information (including all copies made), immediately upon conclusion of this action. *See* 45 C.F.R. § 164.521(e)(1)(v).

STIPULATED FOR ENTRY this 8th day of November, 2006, by all counsel of record:

s/Michael S. Harper

Michael S. Harper (HAR094)
P.O. Box 780608
213 Barnett Blvd.
Tallahassee, AL 36078
Telephone: (334) 283-6855
Facsimile: (334) 283-6858
mikeharper@elmore.rr.com

s/Steven K. Herndon

Steven K. Herndon (HER028)
Gidiere, Hinton, Herndon & Christman
P.O. Box 4190
Montgomery, AL 36103
Telephone: (334) 834-9950
Facsimile: (334) 834-1054
steve@ghhclaw.com

APPROVED and SO ORDERED this ____ day of _____, 2006.

UNITED STATES DISTRICT JUDGE